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Attorney for Plaintiff  
**BRIAN MANNING**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

BRIAN MANNING, ) E-FILED  
 ) Unlimited  
 ) Case No. C 08-00238 JL  
 Plaintiff, )  
 ) EX PARTE MOTION AND MEMORANDUM  
 vs. ) OF POINTS AND AUTHORITIES IN SUPPORT  
 ) FOR AN ORDER RESETTING CASE  
 ) MANAGEMENT CONFERENCE PURSUANT  
 ALLSTATE INSURANCE ) TO FRCP 16, L.R. 7-10, and L.R. 7-11  
 COMPANY, and DOES 1-30,  
 Inclusive, )  
 ) Date: March 19, 2008  
 Defendants. ) Time: 9:30 a.m.  
 ) CRM: 15

Plaintiff's counsel brings this motion to reschedule the Initial Case Management Conference that is currently set for April 23, 2008, to a date later than April 25, 2008, which is convenient to the court, as plaintiff's counsel has paid for an out of state vacation/family reunion that will begin on April 14, 2008, and continue until April 25, 2008.

## **POINTS & AUTHORITIES**

As demonstrated by the Declaration of Joseph John Turri, it was impossible to notify defendant's counsel of this motion as they have not yet appeared and are unknown. It is also demonstrated that attending the Case Management conference would cause plaintiff's counsel to incur significant costs and interrupt a long planned and paid for family reunion.

FRCP 16 provides in part that:

“In any action, the court may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences ...”

Local Rule 7-10 allows the filing of ex parte motion. Local Rule 7-11 recognizes that during the course of case proceedings, a party may require a court order with respect to miscellaneous administrative matters not otherwise governed by federal statute, federal or local rules or standing order of this honorable judge. So now comes the plaintiff's counsel and respectfully requests this court to exercise its inherent power under FRCP 16, and Local Rules 7-10 and 7-11 and reschedule the current Initial Case Management conference in this matter at the earliest date convenient to the court and at a date after April 25, 2008.

Dated: March 12, 2008.

Joseph John Turri  
JOSEPH JOHN TURRI  
Attorney for Plaintiff